

REMARKS

Claims 1-16 are presented for reconsideration without amendment in light of the following remarks, and Claims 17-20 are cancelled. Such cancellations of claims are only for the purpose of expediting the prosecution of this application and are not to be construed as an abandonment of any of the novel concepts disclosed therein.

The acknowledgement of the cancellation of Claims 1, 9, 11-13, 17, 19 and 20 is not understood. The prior amendment cancelled no claims.

The final action states:

Claims 1-8, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Ee et al. US Patent 6208341. Regarding claims 1, 6, and 13, Van Ee et al. teaches a method comprising providing, to a user of a control device, an indication of a value currently associated with a preset sound source (time delay between macros as shown in figure 5), and simultaneously providing an indication of a possible new value representative of a different sound source (eg. TV, VCR) of the preset by showing the sign to increment or decrement the delay time (col. 4 lines 8-18).

Regarding claims 2-3, Van Ee et al. teaches the preset is associated with works performed by a multi-media system (col. 4 lines 8-18).

Regarding claim 4, Van Ee et al. teaches the indications comprise graphical items on a display (col. 2 lines 15-19).

Regarding claim 5, Van Ee et al. teaches the display 202 is part of the control device (figure 2).

Regarding claims 7-8, Van Ee et al. teaches the control device communicates with a second device to effect the confirmed new preset value by transmitting the IR signal according to the preset delay value (col. 4 lines 8-18).

Regarding claim 12, Van Ee et al. teaches a method comprises a source of items to be performed (controlling the home theater), the source being configured to store the items for performance (control codes) in response to the preset (col. 3 lines 53-58).

Regarding claim 9, Van Ee et al. teaches enabling a user of a control device to indicate a possible new value of a preset (time delay between macros as shown in figure 5) (col. 4 lines 8-18) and to separately confirm the indication by selecting the delay using the arrow keys (col. 4 lines 15-25). Van Ee et al. further teaches using the new value to effect other device such as the TV, VCR and audio system (col. 4 lines 8-18).

Regarding claim 10, Van Ee et al. teaches the value comprises identifier of a station (TV- 3) (col. 4 line 11). Regarding claims 15-16, Van Ee et al. teaches a

method comprising displaying values of possible selections at one level of a hierarchy of values, enabling a user to select one of the values at the one level of the hierarchy (col. 2 lines 5-6), and while at least a portion of the one level of the hierarchy is displayed, showing possible selections at a second, lower level of the hierarchy that correspond to the one of the values selected by the user, at least another portion of the one level being obscured (col. 2 lines 5-19). Pp. 2-4.

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Regarding Applicant's argument on page 14 that the values are representative of a sound signal source, the reference of Van Ee et al. teaches the delay values are associated with sound signal source (col. 2 line 55-col. 3 line 15). P. 2.

This ground of rejection is respectfully traversed. Claim 1 and the claims dependent thereon call for "simultaneously providing an indication of a possible new value of the preset representative of a different sound signal source", and Claims 13 and 14 call for "each of the preset values being representative of a sound signal source of works to be performed on an electronic device..." That limitation is different from "delay values [that] are associated with sound signal source..."

The reference discloses:

FIGS. 3-6 illustrate the GUI of remote 116 in the macro editing mode for recording on the VCR a TV program. The GUI shows a portion of a recorded macro with the following steps: "TV-on" (turn on the TV); "TV-3" (select channel 3); "Delay—0.5 sec" (wait for 0.5 seconds before issuing the next command); "VCR-on" (turn the VCR on); and "VCR-TV/VCR" (use the TV as source for the VCR). The GUI provides tools for editing the macro such as a scroll key 302, a delay key 304, arrow keys 306 and 308, and a delete key 310. Col. 4, lines 8-18.

That is not a disclosure of a value currently representative of a preset sound signal source.

Claims 9 and 10 call for "enabling a user of a controlled device to indicate a possible new value of a preset sound signal source and to separately confirm the indication and while the new value has been indicated and before the indication has been confirmed, changing the operation of another device in accordance with the indicated possible new value." The reference does not disclose the limitation of changing an operation of another device in accordance with the indicated possible new value.

Col. 4, lines 8-18 of the reference quoted above do not disclose this limitation of Claims 9 and 10.

Regarding Claims 15 and 16, the reference does not disclose "displaying values of possible selections of sound signal sources as called for by these claims. These claims do not broadly embrace display values of possible selections."

The reference discloses:

Preferably, the remote of the invention has the control options organized in a hierarchy of panels for individual display on the GUI. The user can program a macro that has one or more steps that lets the GUI jump to one or more specific ones of the panels during execution of the macro. Col 2, lines 5-19.

That is not a disclosure of "displaying values of possible selections of sound signal sources" called for by Claims 15 and 16.

Accordingly, withdrawal of the rejection of Claims 1-8, 12-14, 15 and 16 as anticipated by the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each limitation in each of these rejected claims.

The final action states:

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ee et al. US Patent 6208341 in view of Sass US Patent Application 20050065625.

Regarding claim 11, Van Ee et al. teaches controlling a home entertainment system including an audio device (col. 2 lines 55-60) but is not explicit in teaching a radio station and the media player comprises a radio receiver. Sass in an art related audio system invention teaches a media player having a radio receiver (paragraph 008) and one skilled in the art recognizes that an audio system is associated with a radio station in order to receive broadcast information. P. 5.

Claim 11 is dependant upon and includes all the limitation of Claims 9 and 10, and the reasoning set forth above in supporting the patentability of Claim 9 over the primary reference is submitted to support the patentability of Claim 11 so that further discussion of the secondary reference is submitted to be unnecessary. That the limitation of Claim 9 is absent from the primary reference makes it impossible to combine the primary and secondary references to meet the limitations of Claim 11. That is reason enough for withdrawing the rejection of Claim 11 on the primary and secondary references.

"Moreover, we observe that even if these references were combined in the manner proposed by the examiner, that which is set forth in appellant's claims . . . would not result." *Ex*

parte Bogar, slip op. p.7 (BPA&I Appeal No. 87-2462, October 27, 1989). "Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed." *Ex parte Schwarz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992). "Although we find nothing before us indicating why it would be desired to combine the references in the manner urged by the examiner, it is clear to us that such a modification by itself would not result in that which is set forth in the claims." *Ex Parte Kusko*, 215 U.S.P.Q. 972, 974 (BPA&I 1981).

In view of the foregoing remarks, authorities and those in the prior response, cancellations and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. Should the Examiner believe the application is not in a condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps the Examiner believes are necessary to place the application in a condition for allowance.

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Respectfully submitted,
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